

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Env-Wq 500 various parts, sections, and paragraphs

1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 486:14, I</u> 3. Federal Authority: <u>33 U.S.C. §§1251-1387</u> 4. Type of Action: Adoption _____ Amendment <u> X </u> Repeal _____ Readoption <u> X </u> Readoption w/amendment <u> X </u>
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5. Short Title: Clean Water State Revolving Fund Amendments

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-Wq 500 establishes the procedures and criteria for governmental entities to apply for financial assistance from the state water pollution control revolving loan fund (SRF), as well as the requirements for completing SRF-financed projects and repaying loans received from the SRF. The rules were amended on an interim basis effective March 1, 2009 to allow the State to take full advantage of the federal stimulus money for wastewater and stormwater projects that was expected to become available. The amendments that were adopted as interim rules are now being proposed as regular rules. The majority of the rules are being readopted without further revisions. A few rules are proposed to be revised to improve their clarity, in response to comments received on the interim rules. Also, revisions are proposed to Env-Wq 505.05(d) and Env-Wq 505.04 to more clearly identify projects that are eligible under §319 and §320 of the federal Clean Water Act.

6. (b) Brief description of the groups affected:

The rules affect political subdivisions that want to receive financial assistance from the SRF for wastewater, stormwater, and estuary conservation and management plan projects.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	Specific State or Federal Statute(s) Implemented
PART Env-Wq 501	RSA 486:14; 33 U.S.C. §§1251-1387
Env-Wq 502.01; Env-Wq 502.03; Env-Wq 502.08; Env-Wq 502.11; Env-Wq 502.13; Env-Wq 502.15; Env-Wq 502.19; Env-Wq 502.20; Env-Wq 502.23; Env-Wq 502.25; Env-Wq 502.28; Env-Wq 502.29; Env-Wq 502.35	RSA 486:14; 33 U.S.C. §§1251-1387
Env-Wq 504.01	RSA 486:14; 33 U.S.C. §§1251-1387
PART Env-Wq 505	RSA 486:14; 33 U.S.C. §§1251-1387
Env-Wq 506.02; Env-Wq 506.04; Env-Wq 506.05; Env-Wq 506.08 - Env-Wq 506.12; Env-Wq 506.14	RSA 486:14; 33 U.S.C. §§1251-1387
Env-Wq 507.01 through Env-Wq 507.03	RSA 486:14; 33 U.S.C. §§1251-1387
Env-Wq 508.01 intro; Env-Wq 508.02; Env-Wq 508.03	RSA 486:14; 33 U.S.C. §§1251-1387
PART Env-Wq 510	RSA 541-A:22, IV

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Paul Heirtzler	Title:	Administrator
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-2001
		Fax#:	(603) 271-2982
		E-mail:	Paul.Heirtzler@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, June 30, 2009, 4:00 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, June 15, 2009, 10:00 a.m.**

Place: **Rooms 113-114, DES Offices, 29 Hazen Drive, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:046 , dated 03/31/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules do not create, modify, or expand any program in such a way as to require action by political subdivisions and so do not require political subdivisions to make any expenditures. The rules thus do not violate Part I, Article 28-a of the N.H. Constitution.